

NORTH CAROLINA GENERAL ASSEMBLY
HOUSE REDISTRICTING COMMITTEE

TRANSCRIPT OF THE PROCEEDINGS

In Raleigh, North Carolina
Friday, February 19, 2016
Reported by Rachel L. Hammond, CVR-M

Worley Reporting
P.O. Box 99169
Raleigh, NC 27624
919-870-8070

<p style="text-align: right;">2</p> <p>1 (Reporter's note: Proceedings in this matter 2 began at 9:09 a.m. on February 19, 2016.) 3 REP. LEWIS: The House Committee on 4 Redistricting will come to order. Members will please 5 take their seats. We welcome our visitors to the 6 gallery. 7 Members, as always, the Chair would like to 8 begin by thanking our Sergeant-at-Arms staff for their 9 assistance in setting up the room and in facilitating 10 this meeting. They are Regie Seals, Marvin Lee, David 11 Lynchman, Barry Moore, Young Bay, and John Brandon. We 12 appreciate your hard work, and we thank you for being 13 with us today. 14 Members, as was previously announced, we are 15 going to enter into a period of public comment on the 16 redistricting maps, the Contingent Plan that was passed 17 over to us from the Senate. As the Chair announced 18 last night, it is our intention to take public comment 19 and then begin the committee review of the maps. It 20 was announced that we would take -- that we would begin 21 the committee deliberation after the public comment, or 22 at 10:00, whichever came first. The Chair is aware of 23 only one citizen thus far that has signed up to speak. 24 However, in an indifference to making sure that we can 25 receive the input the public may want to offer, the</p>	<p style="text-align: right;">4</p> <p>1 can share; I love good discourse. I am really 2 disappointed though. Over the last couple of days, I 3 have not heard good discourse. I heard on the Senate 4 floor three strong Democrats and others yesterday, 5 Senator Stein, Senator McKissick, and Senator Bryant. 6 They said some really wonderful things about fairness, 7 equality, constitutionality in these maps, and it 8 inspired me. It made me feel great about this process. 9 And what I heard back from Senator Rucho and others was 10 obviously defensive, but it was also protective. And 11 it was saying that, you know, we are placating the 12 courts here. That's what we're doing, and that's what 13 it was about it seemed. We're placating the courts. 14 We're self-preserving our office, our power, but there 15 wasn't really mention of the citizens in what we're 16 doing. And I heard that from the Democrats yesterday, 17 and I wanted to say to this body and to the media that 18 yesterday I declared myself an unaffiliated voter 19 because I'm disappointed in this system. I'm 20 disappointed in a lot of those maps that I've seen. 21 The 1992 map is a mess and the current maps are a mess. 22 So with that, I just want to implore to you all 23 today. I don't know if you can, but why not extend an 24 olive branch? Why not consider the history and legacy 25 of this moment? Why continue the eye-for-an-eye</p>
<p style="text-align: right;">3</p> <p>1 Chair is going to declare that any member of the public 2 that arrives to sign up to speak prior to 9:30 will 3 also be extended the opportunity to address the 4 committee. 5 With that said, the chair is pleased to welcome 6 for his remarks Mr. Blake Tedder. 7 Mr. Tedder, if you would, sir, the 8 Sergeant-at-Arms will assist you to the microphone. We 9 welcome you to the House Committee on Redistricting, 10 and you have the floor for up to three minutes, sir. 11 MR. TEDDER: Hi, my name is Blake Tedder, and I 12 am a private citizen from Hillsborough, North Carolina. 13 And I'm really sorry to see that there is not more of 14 your constituents here this morning, and I feel that it 15 may be because they don't feel like their voice will 16 matter at this point in the process. That is my 17 opinion. 18 My statements are scribbled, so I'm going to 19 try to read them as well as I can. As a young person, 20 I look up to this body, the Senate, too -- they're in 21 my remarks, and I believe that each of you is in this 22 for the right reason, to give voice to the people and 23 to your ideas about the future of North Carolina and 24 our prosperity and what we're doing here in the state. 25 I love democracy; I love the plurality of ideas that we</p>	<p style="text-align: right;">5</p> <p>1 philosophy of this body? It's the Democrats and the 2 Republicans. Why not be on the right side of history? 3 Why just placate court rulings? Why be nasty and 4 divisive? Why not take the high road? And why not be 5 bold and prove that the Republican leadership is truly 6 the desires of we the people? Make the elections fair. 7 The elections have to be fair, and fair districts are 8 vital to that. So thank you, thank you for hearing my 9 comments. 10 REP. LEWIS: Thank you, sir. 11 Members, the Chair is not aware of any other 12 individual that signed up to speak. However, as 13 previously announced, we're going to stand at ease for 14 about 10 minutes and see if further speakers arrive. 15 (The committee stands at ease.) 16 REP. LEWIS: Members, if the Chair could have 17 your attention. Members, if the Chair could have your 18 attention. We're going to continue to wait for a few 19 moments to see if additional speakers arrive. But I 20 thought we could deal with a bit of housekeeping that 21 may make our proceedings go faster. 22 Members, will you look and see if all of you 23 have in front of you a packet of material that is 24 entitled Senate Bill 2, Second Edition 2016 Contingent 25 Congressional Plan - Corrected? And, if you do, would</p>

<p style="text-align: right;">6</p> <p>1 you, please, turn to what I would consider to be the</p> <p>2 third page. It is actually the back of the second</p> <p>3 printed page. The heading on that page reads Election</p> <p>4 Results 2008 General AG, AD, CA. Does everyone see</p> <p>5 that page? Members, would you also look for just a</p> <p>6 moment and see if you have at your desk a document</p> <p>7 entitled 2016 Redistricting Database Field Key? If you</p> <p>8 do, members, I wanted to point out to you for your</p> <p>9 convenience the reports that you have, the system that</p> <p>10 generates these reports, generates them using a series</p> <p>11 of alphanumeric codes, so I thought it would be perhaps</p> <p>12 helpful to go through.</p> <p>13 If you will notice on the page I asked you to</p> <p>14 turn to, on the big report that starts out Election</p> <p>15 Results 2008 General AG, AD, CA, notice the first</p> <p>16 column says, "District" This is pretty obvious that</p> <p>17 this refers to the 13 congressional districts as drawn</p> <p>18 in the plan. But you'll notice right beside that is a</p> <p>19 code, and the code is EL08G_AG_D. Please note that</p> <p>20 this corresponds to the key that was also passed out.</p> <p>21 Where it says EL, that means election; 08, that is the</p> <p>22 year; underscore AG, that is the candidate, so that</p> <p>23 would have been -- it will correspond here to the</p> <p>24 Democratic nominee Cooper; and then, of course, that is</p> <p>25 what the underscore D means. So as you look at this</p>	<p style="text-align: right;">8</p> <p>1 race was not to become a factor in this, and you don't</p> <p>2 have anything in here indicating the racial breakdown</p> <p>3 of these particular races, do you?</p> <p>4 REP. LEWIS: No, sir, you are correct.</p> <p>5 So, members, if everybody is comfortable with</p> <p>6 how to read this chart, then the Chair will not go</p> <p>7 through the rather painstaking process of trying to add</p> <p>8 names to this. The Chair has officially directed the</p> <p>9 staff, though, if these charts are ever copied again,</p> <p>10 to take a Sharpie and to write the name of the</p> <p>11 individual on top of this printout so that we don't</p> <p>12 have to do this again.</p> <p>13 The Chair will now ask the Sergeant-at-Arms if</p> <p>14 any other member of the public has sought the</p> <p>15 opportunity to speak. The Sergeant-at-Arms indicates</p> <p>16 that no other member of the public has sought to speak.</p> <p>17 Therefore, we're going to move into the committee</p> <p>18 review of this bill.</p> <p>19 Representative Jones is here, and the Chair</p> <p>20 will yield the Chair to -- the Chair apologizes. We</p> <p>21 will call the roll; the clerk will call the roll.</p> <p>22 CLERK: Chairman Lewis.</p> <p>23 REP. LEWIS: Present.</p> <p>24 CLERK: Representative Jones.</p> <p>25 REP. JONES: Here.</p>
<p style="text-align: right;">7</p> <p>1 page, you can tell that in the first district the total</p> <p>2 votes -- the raw votes cast for the Attorney General</p> <p>3 nominee of the Democrats was 265,043, which equates to</p> <p>4 that third column which means that he received</p> <p>5 79.47 percent.</p> <p>6 If you'll look at the fourth column, you'll</p> <p>7 notice it says the same thing, EL08G_AG, but then it</p> <p>8 says underscore R. This refers that this was the</p> <p>9 Republican nominee named Crumley. If you'll look down</p> <p>10 to make sure we're all reading this report the same</p> <p>11 way, Crumley received in raw votes 68,474 votes or,</p> <p>12 next column, 20.53 percent and that the total votes</p> <p>13 cast in that election were 333,517.</p> <p>14 Members, if you'll -- does anyone have any</p> <p>15 questions about how to read this chart? Would it be</p> <p>16 helpful if we went through and inserted the names for</p> <p>17 you now? I just don't want to have to -- to be candid</p> <p>18 with you, stop during my presentation and do this as I</p> <p>19 have had to do twice before.</p> <p>20 Representative Michaux.</p> <p>21 REP. MICHAUX: Mr. Chairman, I think you went</p> <p>22 over this the other day when we had the hearing. My --</p> <p>23 as I've stated to you before, my problem right now</p> <p>24 though is that looking at these elections you are</p> <p>25 following here, the criteria that was set out where</p>	<p style="text-align: right;">9</p> <p>1 CLERK: Representative Brawley.</p> <p>2 REP. BRAWLEY: Present.</p> <p>3 CLERK: Representative Cotham.</p> <p>4 Representative Davis.</p> <p>5 REP. DAVIS: Here.</p> <p>6 CLERK: Representative Farmer-Butterfield.</p> <p>7 REP. FARMER-BUTTERFIELD: Here.</p> <p>8 CLERK: Representative Hager.</p> <p>9 REP. HAGER: Here.</p> <p>10 CLERK: Representative Hanes.</p> <p>11 REP. HANES: Here.</p> <p>12 CLERK: Representative Hardister.</p> <p>13 REP. HARDISTER: Here.</p> <p>14 CLERK: Representative Hurley.</p> <p>15 REP. HURLEY: Here.</p> <p>16 CLERK: Representative Jackson.</p> <p>17 REP. JACKSON: Here.</p> <p>18 CLERK: Representative Johnson.</p> <p>19 Representative Jordan.</p> <p>20 Representative McGrady.</p> <p>21 REP. MCGRADY: Here.</p> <p>22 CLERK: Representative Michaux.</p> <p>23 REP. MICHAUX: Here.</p> <p>24 CLERK: Representative Moore.</p> <p>25 REP. MOORE: Here.</p>

<p style="text-align: right;">10</p> <p>1 CLERK: Representative Stam.</p> <p>2 REP. STAM: Here.</p> <p>3 CLERK: Representative Stevens.</p> <p>4 REP. STEVENS: Here.</p> <p>5 CLERK: Representative Dixon.</p> <p>6 REP. LEWIS: Members, prior to beginning, the</p> <p>7 Chair would like to extend the courtesy of our gallery</p> <p>8 to students that are visiting today from the Longleaf</p> <p>9 School of the Arts in Raleigh. If you would stand, we</p> <p>10 would love to welcome you to our committee.</p> <p>11 At this time, the Chair is going to yield the</p> <p>12 chair to Vice Chairman Jones.</p> <p>13 REP. JONES: Good morning, members of the</p> <p>14 committee, Senate Bill 2 is now before us.</p> <p>15 Representative Lewis, you're recognized to present the</p> <p>16 bill.</p> <p>17 REP. LEWIS: Thank you, Mr. Chairman, and good</p> <p>18 morning, members. I appreciate all of you taking the</p> <p>19 time to be here today to consider the Senate Bill 2,</p> <p>20 which is now before us. Members, I just want to state</p> <p>21 for the record, I realize some of you have heard these</p> <p>22 very similar remarks before, but on February 16 the</p> <p>23 Joint Select Committee that was appointed to deal with</p> <p>24 congressional redistricting met and adopted seven</p> <p>25 criteria to be used in drawing the 2016 Contingent</p>	<p style="text-align: right;">12</p> <p>1 best indicator of compactness that we believe to be</p> <p>2 available.</p> <p>3 Incumbency, only two incumbents reside in the</p> <p>4 same congressional district, or in our parlance, are</p> <p>5 double-bunked, one Republican and one Democrat. They</p> <p>6 are Representative Price and Representative Holding.</p> <p>7 Both reside in the proposed geographical area of the</p> <p>8 Fourth Congressional District.</p> <p>9 Mr. Chairman, I realize many of the members in</p> <p>10 this room have sat through this select committee. Many</p> <p>11 also joined yesterday to listen in to the Senate</p> <p>12 discuss this bill. So in the interest of time and at</p> <p>13 your direction, I will yield to all inquiries.</p> <p>14 REP. JONES: Thank you, Representative Lewis.</p> <p>15 Representative Michaux, you're recognized.</p> <p>16 REP. MICHAUX: Thank you, Mr. Chairman. I</p> <p>17 have -- as you might imagine, a series of questions.</p> <p>18 Representative Lewis, first you left out -- you didn't</p> <p>19 mention the other criteria about race not being a</p> <p>20 factor in this, and that is a part of the criteria that</p> <p>21 was used in drawing these maps; is that not true?</p> <p>22 REP. LEWIS: Yes, sir, Representative Michaux.</p> <p>23 If I failed to say that, in the area of political data,</p> <p>24 the stat pack that you have shows which election</p> <p>25 results were used. Race was not considered and is not</p>
<p style="text-align: right;">11</p> <p>1 Congressional Redistricting Map. A map was produced</p> <p>2 using those criteria, and while I will, of course, take</p> <p>3 questions from the committee at the direction of the</p> <p>4 Chair, I first want to take a moment to walk through</p> <p>5 the criteria and to discuss, generally, how this map</p> <p>6 addresses each of these.</p> <p>7 Equal population, all of the districts were</p> <p>8 drawn with either 733,499 people or 733,498 total</p> <p>9 people. This is as equal as practical and in</p> <p>10 accordance with federal law.</p> <p>11 Contiguity, all of the areas in every district</p> <p>12 are composed of contiguous territory.</p> <p>13 Political data, the stat report shows which</p> <p>14 election results were used in building these districts.</p> <p>15 Race was not considered and is not present on these</p> <p>16 reports.</p> <p>17 Partisan advantage, we believe this map will</p> <p>18 produce an opportunity to elect ten Republican members</p> <p>19 of Congress, but make no mistake, this is a weaker map</p> <p>20 than the enacted plans in that respect.</p> <p>21 The 12th district, the map does away with the</p> <p>22 serpentine 12th district dating back to 1992.</p> <p>23 Compactness, only 13 counties and 13 VTDs were</p> <p>24 split in this map. In accordance with the criteria,</p> <p>25 more whole counties and more whole precincts are the</p>	<p style="text-align: right;">13</p> <p>1 present in these reports.</p> <p>2 REP. JONES: Representative, if you would,</p> <p>3 please go through the Chair for follow-up.</p> <p>4 REP. MICHAUX: Yes, sir, I do have a follow-up.</p> <p>5 Representative Lewis, in drawing these districts --</p> <p>6 first of all, let me ask you, was there any attention</p> <p>7 paid to whether or not these maps which you have drawn</p> <p>8 have addressed the problem of vote dilution?</p> <p>9 REP. LEWIS: Thank you for the question,</p> <p>10 Representative Michaux. The criteria that was used in</p> <p>11 drawing the map are the criteria that I listed earlier</p> <p>12 in our discussion. However, based on a series of</p> <p>13 questions that were asked before the Senate</p> <p>14 Redistricting Committee and also during the</p> <p>15 Joint Redistricting Committee and also conversations</p> <p>16 that I've had with you, I would like on that one</p> <p>17 subject -- or on the subject of race in general, to</p> <p>18 submit for the record of the committee, the expert</p> <p>19 report by Dr. Allan J. Lichtman. This is a report that</p> <p>20 was prepared for -- or in, pardon me, the Dickson</p> <p>21 versus Rucho case, and I believe that this was an</p> <p>22 expert witness hired by the Plaintiffs. So,</p> <p>23 Mr. Chairman, I'm going to submit this for the record.</p> <p>24 REP. JONES: Thank you, Representative Lewis.</p> <p>25 Follow-up, Representative Michaux.</p>

<p style="text-align: right;">14</p> <p>1 REP. MICHAUX: Yes, sir. You are now</p> <p>2 submitting that to this committee, and you have not</p> <p>3 submitted it to us before?</p> <p>4 REP. LEWIS: Representative Michaux, I have</p> <p>5 been very clear that we did not use race in drawing</p> <p>6 these maps. I have not looked at any racial data. I</p> <p>7 merely submit a report that the Democrats who</p> <p>8 challenged the maps before paid for.</p> <p>9 REP. JONES: Further follow-up, Representative?</p> <p>10 REP. MICHAUX: Yes, sir. I've got several</p> <p>11 follow-ups. The contention in not including race, from</p> <p>12 what I understand, the reason that you did not include</p> <p>13 race in it was because it is your feeling that the</p> <p>14 decision that came out of the Harris case said we could</p> <p>15 not use race; am I correct in that?</p> <p>16 REP. LEWIS: Representative, thank you for that</p> <p>17 question. As I've said before, before this committee</p> <p>18 and before you, you know that I am not an attorney.</p> <p>19 However, I believe that the entire decision from the</p> <p>20 Harris case has been made available to all of the</p> <p>21 members, and as such, I would also like to make sure</p> <p>22 that that is a part of the permanent record,</p> <p>23 Mr. Chairman.</p> <p>24 REP. JONES: So noted.</p> <p>25 REP. LEWIS: Thank you, sir. And it is our</p>	<p style="text-align: right;">16</p> <p>1 before showed no racial polarization?</p> <p>2 REP. LEWIS: Representative Michaux, in the</p> <p>3 reading of this case, and you may have it before you, I</p> <p>4 have some notes. But I don't have the actual case.</p> <p>5 That is, as I have tried to explain before, our</p> <p>6 understanding of the decision is that race should not</p> <p>7 be a factor in the drawing of these lines, and</p> <p>8 therefore, race was not one of the criteria that was</p> <p>9 used in drawing these maps.</p> <p>10 REP. JONES: Follow-up?</p> <p>11 REP. MICHAUX: Yes, I have a follow-up. Let me</p> <p>12 move to another point then because this point was also</p> <p>13 raised in the Harris case, and that is the matter of</p> <p>14 one vote, one person. Under Section 2 of the Voting</p> <p>15 Rights Act, if you've read that, I don't know what your</p> <p>16 lawyers have told you about that. But I think Section</p> <p>17 2 of the VRA says that you have to follow the 14th</p> <p>18 Amendment in allowing for one vote, one person. Was</p> <p>19 this taken into consideration when your maps were</p> <p>20 drawn?</p> <p>21 REP. LEWIS: Thank you for the question,</p> <p>22 Representative. As you recall, we adopted criteria,</p> <p>23 and one of the criteria that was adopted was the fact</p> <p>24 that we should have equal population. All of the</p> <p>25 districts were drawn with either 733,499 total persons</p>
<p style="text-align: right;">15</p> <p>1 understanding of this decision, Representative, that</p> <p>2 the Court has found that there was not racially</p> <p>3 polarized voting, which is a requirement in order to</p> <p>4 consider race in drawing the maps. So, again, race was</p> <p>5 not considered in the preparation of these maps.</p> <p>6 REP. JONES: Follow-up, Representative Michaux?</p> <p>7 REP. MICHAUX: Yes. Are you aware of the fact</p> <p>8 that the Court, in its ruling, indicated that their</p> <p>9 ruling does not mean that race can never play a role in</p> <p>10 redistricting and that legislatures must always be</p> <p>11 cognizant of race when drawing district lines? Are you</p> <p>12 aware of that being a part of that decision?</p> <p>13 REP. LEWIS: Thank you for the question,</p> <p>14 Representative. What I am aware of is based on our</p> <p>15 reading of the opinion the Court said that racially</p> <p>16 polarized voting did not exist, and therefore that</p> <p>17 would be one of the triggers that would require race to</p> <p>18 be used. And we did not use race in drawing these</p> <p>19 maps.</p> <p>20 REP. JONES: Representative Michaux, a</p> <p>21 follow-up?</p> <p>22 REP. MICHAUX: Yes. Then your understanding of</p> <p>23 that indicates that you did not -- that because it said</p> <p>24 there was no polarization in there? Is that what you</p> <p>25 are telling us? That the district that was drawn</p>	<p style="text-align: right;">17</p> <p>1 or 733,498 total persons. This is as equal as</p> <p>2 practical and, our belief, is in accordance with</p> <p>3 federal law.</p> <p>4 REP. JONES: Follow-up?</p> <p>5 REP. MICHAUX: Yes. Then moving a little bit</p> <p>6 further on that point, by not including race -- and</p> <p>7 Section 2 of the Voting Rights Act also indicates that</p> <p>8 minorities, in particular African Americans, must live</p> <p>9 in districts or be in districts where they have the</p> <p>10 choice of electing their own representative, have a</p> <p>11 chance to do that. Was that taken into consideration</p> <p>12 when you drew these maps?</p> <p>13 REP. LEWIS: Representative, thank you for the</p> <p>14 question. As you recall, this committee adopted the</p> <p>15 criteria that would be used in drawing the maps. I</p> <p>16 went over it in my opening remarks. I would be happy</p> <p>17 to do it again.</p> <p>18 REP. JONES: Follow-up?</p> <p>19 REP. MICHAUX: Follow-up. Is it your</p> <p>20 contention then that what you have drawn does, in fact,</p> <p>21 allow African Americans in this state to elect persons</p> <p>22 of their choice?</p> <p>23 REP. LEWIS: Representative, as I have stated</p> <p>24 during the Joint Select Committee, we all debated</p> <p>25 various criteria that should be used. The criteria</p>

<p style="text-align: right;">18</p> <p>1 that the Joint Select Committee used that were adopted</p> <p>2 and used in drawing these maps were the following:</p> <p>3 Equal population, contiguity, political data, partisan</p> <p>4 advantage, 12th district, compactness, and incumbency.</p> <p>5 REP. JONES: Follow-up, Representative Michaux?</p> <p>6 REP. MICHAUX: That being the case,</p> <p>7 Mr. Chairman, in not considering race, how can you</p> <p>8 assure us then, number one, if you don't consider race</p> <p>9 that you are following the 14th Amendment in the terms</p> <p>10 of one vote, one person. And how can you assure us</p> <p>11 that the African American community under that criteria</p> <p>12 that you have enunciated and under the court decision,</p> <p>13 that African Americans in this state will have an</p> <p>14 opportunity to elect persons of their choice?</p> <p>15 REP. LEWIS: Well, thank you for that question,</p> <p>16 Representative. To be clear, we believed, and still</p> <p>17 believe, that the enacted map -- and for the record,</p> <p>18 when I refer to the enacted map, I am referring to the</p> <p>19 2011 Redistricting Plan -- addressed the concerns that</p> <p>20 to the best of our ability. When this contingent map</p> <p>21 was prepared, we believe that the consideration of race</p> <p>22 was not going to be allowed by this court, and so we</p> <p>23 did not consider race in drawing these maps.</p> <p>24 REP. MICHAUX: Follow-up, Mr. Chair.</p> <p>25 REP. JONES: Representative, I will grant you</p>	<p style="text-align: right;">20</p> <p>1 REP. LEWIS: The maps were drawn at the</p> <p>2 direction of the Chairs. The exact map drawer's name</p> <p>3 is Tom Hofeller.</p> <p>4 REP. MICHAUX: So Dr. Hofeller did draw this</p> <p>5 map?</p> <p>6 REP. LEWIS: Yes, sir.</p> <p>7 REP. MICHAUX: All right. My last question on</p> <p>8 the round --</p> <p>9 REP. JONES: Last follow-up.</p> <p>10 REP. MICHAUX: My last follow-up on this round,</p> <p>11 was it drawn here in North Carolina, or was it drawn in</p> <p>12 Washington?</p> <p>13 REP. LEWIS: It was most certainly drawn here</p> <p>14 in North Carolina.</p> <p>15 REP. JONES: Representative Jackson, you're</p> <p>16 recognized.</p> <p>17 REP. JACKSON: Thank you, Mr. Chairman.</p> <p>18 Representative Michaux started some of my questions. I</p> <p>19 think we all agree we want the federal court to be able</p> <p>20 to act as quick as possible. In attempt to clarify</p> <p>21 some of the things that were asked in the Senate</p> <p>22 yesterday, I just had a few questions on that. You</p> <p>23 said Dr. Hofeller drew this new map, and it was</p> <p>24 certainly drawn in North Carolina; is that correct?</p> <p>25 REP. LEWIS: Yes, sir.</p>
<p style="text-align: right;">19</p> <p>1 another follow-up. Follow-up.</p> <p>2 REP. MICHAUX: Okay. Thank you, sir. Forgive</p> <p>3 me for trying to elicit this information, but you know</p> <p>4 what I'm after, I think. If you, in fact, drew these</p> <p>5 maps without regard to race, how can they be basically</p> <p>6 constitutional? Following Section 2 of the Voting</p> <p>7 Rights Act and following the 14th Amendment, how can</p> <p>8 you think that these maps will be considered</p> <p>9 constitutional when you have not considered in your</p> <p>10 drawings a significant portion of the population?</p> <p>11 REP. LEWIS: Thank you for your question. It</p> <p>12 is my understanding of the Harris decision that</p> <p>13 racially polarized voting was not in North Carolina.</p> <p>14 That is one of the criteria that are required to</p> <p>15 consider race. Therefore, we did not consider race in</p> <p>16 the drawing of these maps.</p> <p>17 REP. MICHAUX: I'm going to leave that</p> <p>18 question -- I have a couple of more follow-ups if you</p> <p>19 don't mind, Mr. Chair.</p> <p>20 REP. JONES: Okay, let's go with two more, and</p> <p>21 I'd like to give some other people a chance to weigh</p> <p>22 in. And we'll come back after that. Two more</p> <p>23 follow-ups, Representative Michaux.</p> <p>24 REP. MICHAUX: That will be fine. Who drew</p> <p>25 these maps, this map?</p>	<p style="text-align: right;">21</p> <p>1 REP. JONES: Follow-up?</p> <p>2 REP. JACKSON: Follow-up. Was it drawn on a</p> <p>3 legislative computer or a private computer when it was</p> <p>4 originally drawn?</p> <p>5 REP. LEWIS: Representative Jackson, in an</p> <p>6 attempt to comply with the court order and with all due</p> <p>7 respect what I believe to be a very compact time</p> <p>8 schedule, the Chairs met with our redistricting</p> <p>9 consultant, who I've already told the representative</p> <p>10 from Durham, it was Dr. Hofeller. And I am certain</p> <p>11 that Dr. Hofeller worked on his own computer in</p> <p>12 drafting the concepts that we discussed. He then</p> <p>13 brought the concepts to the General Assembly, loaded</p> <p>14 the concepts on, and made additional changes in</p> <p>15 criteria on the state computer. So the answer would be</p> <p>16 to your question would be both.</p> <p>17 REP. JACKSON: Follow-up.</p> <p>18 REP. JONES: Further follow-up.</p> <p>19 REP. JACKSON: And do you know when he brought</p> <p>20 that to the legislature and loaded it on the computer?</p> <p>21 REP. LEWIS: Representative, let me glance at</p> <p>22 my notes. I believe it would have been on the 16th of</p> <p>23 this month, which I think would have been Tuesday. I</p> <p>24 apologize my calender is not pulling up.</p> <p>25 REP. JACKSON: Follow-up.</p>

<p style="text-align: right;">22</p> <p>1 REP. JONES: Follow-up.</p> <p>2 REP. JACKSON: And would it be fair to say that</p> <p>3 he originally drew a version of this map on his private</p> <p>4 computer prior to this committee meeting and voting on</p> <p>5 the criteria to be used earlier this week?</p> <p>6 REP. LEWIS: I'm certain that he drew various</p> <p>7 concepts on his computer.</p> <p>8 REP. JACKSON: Thank you, Mr. Chair.</p> <p>9 REP. JONES: Thank you. Representative Davis.</p> <p>10 REP. DAVIS: Thank you, Mr. Chairman. A</p> <p>11 question for Representative Lewis if I may. First off,</p> <p>12 Representative Lewis, I want to thank you for your</p> <p>13 leadership and hard work in this endeavor, also your</p> <p>14 transparency and your honesty in answering the</p> <p>15 questions that are being posed to you during these</p> <p>16 committee hearings. My question would be, were there</p> <p>17 any changes to the map that we looked at before the</p> <p>18 Senate reviewed it and are now -- in other words, did</p> <p>19 the Senate make any changes to that map? And if so, if</p> <p>20 you could, please, explain what they are?</p> <p>21 REP. LEWIS: Yes, sir, thank you. The Senate</p> <p>22 amended the map in accordance with the rules, and the</p> <p>23 exact nature of the amendment was based on older</p> <p>24 information we had -- the Chairs had mistakenly placed</p> <p>25 the residences of Representative Adams and</p>	<p style="text-align: right;">24</p> <p>1 one is the white majority must regularly vote as a bloc</p> <p>2 to defeat the minority-supported candidate; is that</p> <p>3 correct? Is that the way we understand that?</p> <p>4 REP. LEWIS: Representative Hager, I appreciate</p> <p>5 your question. As you are an engineer, I am a farmer.</p> <p>6 So I will have to say that I am almost certain that is</p> <p>7 correct, but I don't have that information before me.</p> <p>8 REP. HAGER: Thank you. Follow-up.</p> <p>9 REP. JONES: Follow-up.</p> <p>10 REP. HAGER: This is more of a statement -- and</p> <p>11 I want to aid a little bit in Representative Lewis'</p> <p>12 statement. I've looked up the case which is, you know,</p> <p>13 the Harris v. McCrory case, which is 100 pages long,</p> <p>14 and I outlined some things in it I think Representative</p> <p>15 Lewis was talking about. If you go to page, I think it</p> <p>16 is 53 in the report, I think it is the Gregory majority</p> <p>17 opinion. About midway through the first paragraph it</p> <p>18 says, "a failure to establish any one of the Gingles</p> <p>19 factors is fatal to the defendants' claim." Now, if</p> <p>20 you flip over to page 55 at the start of the second</p> <p>21 paragraph, "the defendants contend that there is some</p> <p>22 evidence that the general assembly considered 'two</p> <p>23 expert report' that 'found the existence of racially</p> <p>24 polarized voting in' North Carolina. These generalized</p> <p>25 reports, standing alone, do not constitute a 'strong</p>
<p style="text-align: right;">23</p> <p>1 Representative Walker both in the 13th District. That</p> <p>2 was not the Chairs' intent. Therefore, the Chairs</p> <p>3 instructed Dr. Hofeller, frankly, to make necessary</p> <p>4 changes. The exact nature of those changes I would be</p> <p>5 happy to try to get for you. But a summary of it would</p> <p>6 be that two whole precincts and one partial precinct</p> <p>7 were moved to make sure that Representative Adams and</p> <p>8 Representative Walker no longer resided in the same</p> <p>9 congressional seat. That is the only change that was</p> <p>10 made from when the committee reviewed the map.</p> <p>11 REP. DAVIS: Thank you, Representative Lewis.</p> <p>12 Thank you, Mr. Chairman.</p> <p>13 REP. JONES: Thank you. Representative Hager,</p> <p>14 you're recognized.</p> <p>15 REP. HAGER: Thank you, Mr. Chairman. I have a</p> <p>16 question for the bill sponsor. And just a quick</p> <p>17 statement, you know, I hold an engineering degree, and</p> <p>18 with a degree in thermodynamics and metallurgy, I deal</p> <p>19 with things that stay pretty much the same everyday.</p> <p>20 But I'm learning from Representative Michaux that the</p> <p>21 law is a little bit more fluid and changes from</p> <p>22 day-to-day, it seems like.</p> <p>23 I have a question for you, is it your</p> <p>24 understanding that the three threshold conditions from</p> <p>25 the Gingles, Thornburg v. Gingles case that the third</p>	<p style="text-align: right;">25</p> <p>1 basis in evidence' that the white majority votes as a</p> <p>2 bloc to defeat the minority's preferred candidate of</p> <p>3 choice in District 1." Then you flip over to page 56</p> <p>4 about middle-ways through the second paragraph, "the</p> <p>5 white majority did not vote as a bloc to defeat</p> <p>6 African-Americans' candidates of choice. In fact,</p> <p>7 precisely the opposite occurred in these two districts:</p> <p>8 Significant crossover voting by white voters supported</p> <p>9 the African-American candidate." I think,</p> <p>10 Representative Lewis, that is what you were referring</p> <p>11 to if I'm not mistaken. Am I missing something on</p> <p>12 that?</p> <p>13 REP. STAM: Mr. Chairman, before he answers,</p> <p>14 could I raise the point of order that he is practicing</p> <p>15 law without a license.</p> <p>16 REP. HAGER: I think, Mr. Chair --</p> <p>17 REP. JONES: Duly noted, but we will allow</p> <p>18 Representative Lewis to respond.</p> <p>19 REP. HAGER: I think I said the other day that</p> <p>20 any good engineer can make a good lawyer.</p> <p>21 REP. LEWIS: Mr. Chairman, in response to the</p> <p>22 representative, I would make the following statements:</p> <p>23 First is, I do believe he has accurately read the</p> <p>24 record as he reflected. Second, I would reiterate to</p> <p>25 the committee that the Joint Select Committee</p>

<p style="text-align: right;">26</p> <p>1 established the criteria by which this map was drawn, 2 and those are the criteria by which it is drawn. And 3 those are the criteria by which the committee should 4 judge the merits of the map. 5 REP. JONES: Further discussion, further 6 debate? 7 REP. MICHAUX: If nobody else, can I -- 8 REP. JONES: Representative Michaux, are you 9 seeking recognition? 10 REP. MICHAUX: Yes, sir, I sure am. 11 REP. JONES: You are recognized for a question. 12 REP. MICHAUX: Thank you. Chairman Lewis, let 13 me ask you this, when was work started on the maps -- 14 on this map? 15 REP. LEWIS: Representative Michaux, I will 16 tell you that in an attempt to comply with the Harris 17 decision, which I believe came out at 6:00 on a Friday 18 night, I think it was Friday the 6th. Sometime that 19 following week Chairman Rucho and I met with our 20 consultant to talk about if we were going to be 21 mandated to draw new maps if we were not going to be 22 successful in our attempt to receive a stay, what might 23 we be able to do to comply. That was the week after 24 the decision came, but I don't recall the exact day. 25 REP. JONES: Follow-up?</p>	<p style="text-align: right;">28</p> <p>1 race and by not understanding the fact that there is a 2 bit of -- a whole lot of voter dilution in here. 3 There's whole lot of the fact that an African American 4 under that dilution theory will not have an opportunity 5 to elect a officer of their own choice. All of that is 6 rampant within what is now being proposed for this body 7 to act on. But the main thing is that race is still an 8 undercurrent in this whole thing that you have tried to 9 obviate and take out. So what I'm saying to you is 10 that we will probably be back here if the Court doesn't 11 decide to do it themselves. 12 REP. JONES: Thank you, sir. Representative 13 Stam, you are recognized. 14 REP. STAM: Yes, I'm wondering if 15 Representative Jackson would yield for a question. 16 REP. JONES: Representative Jackson, does the 17 gentleman yield? 18 REP. JACKSON: Yes, sir. 19 REP. JONES: Representative Stam. 20 REP. STAM: Representative Jackson, this may be 21 totally irrelevant, but I want to just complete the 22 record there. Two days ago when we met as a Joint 23 Select Committee and we passed the motion allowing 24 both -- well, the minority party to hire a consultant 25 up to \$25,000, you asked whether that would include</p>
<p style="text-align: right;">27</p> <p>1 REP. MICHAUX: Yes. There has been some 2 information by some people on your side over here, that 3 work was being done on these maps prior to the criteria 4 being adopted by this body; is that true? 5 REP. LEWIS: I would say, sir, that I'm sure 6 Dr. Hofeller made a variety of conceptual maps. The 7 map before you was drawn based on the criteria adopted 8 by this committee. 9 REP. JONES: Is there a follow-up? 10 REP. MICHAUX: I just have a statement if you 11 don't mind, Mr. Chair. 12 REP. JONES: You are recognized for your 13 statement, Representative Michaux. 14 REP. MICHAUX: I'm glad to hear Representative 15 Hager over there reading from the decision because 16 there are so many other things that he left out in 17 reading his decision -- reading from the decision. For 18 instance the idea that race should not be used as a 19 factor was not what this court said. This court has 20 said that it can be used, but it doesn't have to be the 21 predominant factor in this situation. 22 The second statement I make to you is that you 23 have still used race as a predominant factor by not 24 using race at all. What you have done is you have 25 overextended yourself in this situation by not using</p>	<p style="text-align: right;">29</p> <p>1 work that had been done previously, and the answer was 2 no. The question is, do you know if the minority 3 caucus or you or Representative Michaux or Senator Blue 4 had consulted with anyone to work on a map before 5 Wednesday? 6 REP. JONES: Representative Jackson, you are 7 recognized to answer the question. 8 REP. JACKSON: Thank you, Mr. Chairman. 9 Representative Stam, I did ask that question about 10 the -- any fees, because I was concerned that the 11 majority had already engaged a mapmaker who had drawn a 12 map and that we were doing a bit of reverse engineering 13 and had drawn a map we liked and then came up with 14 criteria. And so I wanted to make it clear on the 15 record that that -- what we were voting on would not 16 pay for any of that work that had been done. It would 17 only be paid for that time going forward. However, 18 after that meeting it was made clear to both the 19 minority leaders in both chambers, the House and the 20 Senate, that that was a mistake, what was said, and 21 that either party was allowed to use that \$25,000 to 22 pay for any work that had been done on maps prior to 23 their passage this week. As far as what the minority 24 caucus had done, to my knowledge, the first indication 25 that we had that we would be provided an opportunity to</p>

<p style="text-align: right;">30</p> <p>1 spend any public funds was when we saw that handout. 2 And to my knowledge, no work had been done with any 3 mapmaker prior to that offer being made. And then at 4 that point it was discussed whether we had time to turn 5 around a map in 24 hours, and it was decided that we 6 would not do so. 7 REP. LEWIS: Mr. Chairman. 8 REP. JONES: Representative Lewis. 9 REP. LEWIS: May I ask the gentleman from Wake 10 a question? 11 REP. JONES: Does the gentleman yield? 12 REP. JACKSON: Certainly. 13 REP. JONES: Representative Lewis. 14 REP. LEWIS: Representative Jackson, were you 15 aware that the three-judge panel in the Harris case had 16 offered a ruling where they challenged the 17 constitutionality of the enacted maps, and that ruling 18 came out on February the sixth. 19 REP. JACKSON: Yes, sir. I remember being 20 notified that evening of the decision. 21 REP. LEWIS: May I ask another question? 22 REP. JONES: Follow-up. Do you yield, 23 Representative? 24 REP. JACKSON: Yes, sir. 25 REP. LEWIS: Thank you, Representative Jackson.</p>	<p style="text-align: right;">32</p> <p>1 federal precedent is that legislative bodies be given 2 an opportunity to redraw before the court step in. If 3 the legislature failed to act by today I guess at 5:00, 4 close of business court, I believe the federal court 5 would have a -- they could draw the maps themselves. 6 They could appoint a Special Master. That has been 7 recently done in Virginia, which, of course, is part of 8 the fourth circuit. And had them draw it as well would 9 be my understanding of the possibilities. 10 REP. LEWIS: May I ask another question, 11 Mr. Chairman? 12 REP. JONES: Follow-up. 13 REP. JACKSON: Yes, sir. 14 REP. JONES: He yields. 15 REP. LEWIS: Representative Jackson, please 16 understand with respect, I'm not asking you to speak to 17 anything that you don't have personal knowledge of. I 18 am simply asking you, is it not a logical -- is it not 19 a logical query that someone on the Democratic Party 20 was alerted to the fact that new maps would possibly 21 need to be drawn and submitted by today. So is it not 22 at least a reasonable belief that work somewhere in 23 Washington or Hillsborough Street, or wherever the work 24 was done, was probably commenced. And, again, I'm not 25 asking you to speak to anything of which you don't have</p>
<p style="text-align: right;">31</p> <p>1 Thank you, Mr. Chairman. Assuming that the U.S. -- the 2 maps for the U.S. House of Representatives cannot be 3 used in the March 15 primary as the court decision 4 said, what is the remedy to that? 5 REP. JACKSON: I'm sorry, can I ask you to 6 repeat your question? 7 REP. JONES: Representative Lewis. 8 REP. LEWIS: Perhaps I can be more clear. 9 Assuming that the ruling in the Harris case is upheld 10 and that the enacted plan cannot be used in the 11 March 15 primary, would the remedy to that not be to 12 produce another map? 13 REP. JONES: Representative Stam, did you have 14 a follow-up -- I'm sorry. Representative Jackson, are 15 you -- 16 REP. JACKSON: I will attempt to answer that. 17 REP. JONES: Okay, representative Jackson, you 18 are recognized. I'm sorry. 19 REP. JACKSON: Having not been the experts that 20 many of you are on redistricting, I believe our state 21 law requires us to be given at least two weeks to 22 redraw the map. There's been a lot of testimony this 23 week about how we have only been given two weeks to 24 redraw and things of that nature, but I believe that is 25 actually a state law that requires -- and that the</p>	<p style="text-align: right;">33</p> <p>1 personal knowledge. I'm just asking you, is that not a 2 rational belief that based on the court decision that 3 it would seem that the Democrats had prevailed in court 4 that the Democrats would start working on maps? 5 REP. JONES: Representative Jackson. 6 REP. JACKSON: Thank you, Mr. Chairman. Let me 7 address that a couple of ways. One is, I'm sure there 8 were probably 169 members of the General Assembly that 9 started drawing some of these maps in their own mind 10 about how they would like their congressional district 11 to look. I'm sure that the individual members of 12 Congress started doing that, but to my knowledge, the 13 Democratic Caucus on either side did not start to draw 14 the maps because we didn't know what the criteria would 15 be established. For instance, it was decided at the 16 Tuesday meeting of this committee that you had to 17 produce an entire state map of all 13 congressional 18 districts in order to put forth any amendments this 19 morning. There might have been members who thought 20 that we were just going to redraw the 1st and the 12th 21 and a few districts around there that would need to be 22 done. I have no idea if that work started or not. I 23 anticipate that somebody in DC looked at these maps 24 five years ago and said if we ever get a redraw, this 25 is what we would push for.</p>

<p style="text-align: right;">34</p> <p>1 REP. LEWIS: Thank you.</p> <p>2 REP. JONES: Thank you. Representative</p> <p>3 Stevens, you are recognized.</p> <p>4 REP. STEVENS: Thank you. And I do believe I</p> <p>5 probably have a series of questions, but,</p> <p>6 Representative Lewis, just going to what Representative</p> <p>7 Jackson said, if one of our objectives was to sort of</p> <p>8 do away with the serpentine shape of 12 as suggested by</p> <p>9 the Court, do you know how many districts -- how many</p> <p>10 counties 12 went through to begin with?</p> <p>11 REP. LEWIS: Representative Stevens, that is</p> <p>12 certainly a very logical question. I apologize that,</p> <p>13 off the top of my head, I cannot remember the exact</p> <p>14 number of counties that the 12th went through.</p> <p>15 REP. JONES: Follow-up.</p> <p>16 REP. STEVENS: Basically, I think</p> <p>17 Representative Hager was just telling me that the 12th</p> <p>18 touched every district but the -- the 12th and 1st</p> <p>19 touched every district but the 11th and the 7th. So,</p> <p>20 redistricting -- or looking at those two maps we're</p> <p>21 essentially going to affect everything but the 7th and</p> <p>22 the 11th; is that correct?</p> <p>23 REP. JONES: Representative Lewis.</p> <p>24 REP. LEWIS: Thank you. Let me answer that as</p> <p>25 accurately as I can. It is a logical belief that if</p>	<p style="text-align: right;">36</p> <p>1 '90s, and we largely kept the district as a strongly</p> <p>2 Democratic district hoping to forestall or to insulate</p> <p>3 the state from lawsuits. I guess we weren't successful</p> <p>4 on that front.</p> <p>5 REP. STEVENS: Follow-up.</p> <p>6 REP. JONES: Follow-up.</p> <p>7 REP. STEVENS: And, in fact, district 12 has</p> <p>8 been a subject of multiple litigation and gone all of</p> <p>9 the way up to the Supreme Court and back and been found</p> <p>10 to be constitutional and legal; is that correct?</p> <p>11 REP. LEWIS: Yes, ma'am. And that's largely</p> <p>12 why we kept it.</p> <p>13 REP. STEVENS: Now --</p> <p>14 REP. JONES: Follow-up.</p> <p>15 REP. STEVENS: Thank you. And as to drawing</p> <p>16 each of these districts, did you take into account the</p> <p>17 factor of equal population?</p> <p>18 REP. LEWIS: Yes, ma'am.</p> <p>19 REP. JONES: Follow-up.</p> <p>20 REP. STEVENS: And in drawing each of these</p> <p>21 districts, did you take into account the principle of</p> <p>22 contiguity?</p> <p>23 REP. LEWIS: Yes, ma'am.</p> <p>24 REP. JONES: Follow-up.</p> <p>25 REP. STEVENS: And did you take into account,</p>
<p style="text-align: right;">35</p> <p>1 you redraw lines in one area, what you're really</p> <p>2 talking about is assigning voters to voting districts.</p> <p>3 As a voting district changes in one place it will</p> <p>4 certainly -- well, it would almost certainly have to</p> <p>5 change in another, or you can't maintain the one</p> <p>6 person, one vote. So, again, I wanted to reiterate</p> <p>7 that that is the reason that this committee adopted the</p> <p>8 criteria that it did and has produced this Contingent</p> <p>9 Congressional Map.</p> <p>10 REP. STEVENS: Thank you.</p> <p>11 REP. JONES: Follow-up.</p> <p>12 REP. STEVENS: Thank you. And the Harris court</p> <p>13 specifically said that the shape of that district was</p> <p>14 persuasive circumstantial evidence that race for its</p> <p>15 own sake and not other controlling principles was their</p> <p>16 dominant and controlling rationale. That the</p> <p>17 serpentine district that has been dubbed the least</p> <p>18 geographically compact district in the nation needed to</p> <p>19 be fixed.</p> <p>20 REP. LEWIS: I believe that is a correct --</p> <p>21 thank you for that. I believe that is a correct</p> <p>22 reading of what they wrote. I would point out that as</p> <p>23 I have said in previous committee meetings, we as the</p> <p>24 Republican majority, inherited that map from previous</p> <p>25 general assemblies dating back I believe to the early</p>	<p style="text-align: right;">37</p> <p>1 in drawing each of these districts, the political data?</p> <p>2 REP. LEWIS: Yes, ma'am.</p> <p>3 REP. JONES: Follow-up.</p> <p>4 REP. STEVENS: And in doing these districts,</p> <p>5 did you take into account partisan advantage?</p> <p>6 REP. LEWIS: Yes, ma'am.</p> <p>7 REP. JONES: Follow-up.</p> <p>8 REP. STEVENS: Thank you. And in taking into</p> <p>9 account the 12th district, did you do away with the</p> <p>10 serpentine format that the courts complained about?</p> <p>11 REP. LEWIS: Yes, ma'am.</p> <p>12 REP. JONES: Follow-up.</p> <p>13 REP. STEVENS: Thank you. And in taking into</p> <p>14 account compactness, did you do that, particularly, I</p> <p>15 guess, in relation to district 12 -- I mean district 1?</p> <p>16 REP. LEWIS: Yes, ma'am, compactness was a</p> <p>17 factor.</p> <p>18 REP. JONES: Follow-up.</p> <p>19 REP. STEVENS: And did you take into account</p> <p>20 incumbency?</p> <p>21 REP. LEWIS: Yes, ma'am, as directed by this</p> <p>22 committee.</p> <p>23 REP. JONES: Follow-up.</p> <p>24 REP. STEVENS: Yes, sir. And didn't you --</p> <p>25 didn't the Senate make the change to try to deal with</p>

<p style="text-align: right;">38</p> <p>1 the one bad issue of incumbency that we had and that</p> <p>2 was with Ms. Adams making sure she was in a separate</p> <p>3 district from Mr. Walker?</p> <p>4 REP. LEWIS: The Senate did correct that</p> <p>5 because it was a fairly easy correction to make.</p> <p>6 Unfortunately, the situation in the 4th is not an easy</p> <p>7 correction to make because of where the residence of</p> <p>8 Representative Holding is.</p> <p>9 REP. JONES: Thank you, Representative Stevens.</p> <p>10 Representative Farmer-Butterfield, you are recognized.</p> <p>11 REP. FARMER-BUTTERFIELD: Thank you, Mr. Chair.</p> <p>12 I wanted to ask whether or not the legislative staff</p> <p>13 assisted with the map drawing at all, and if so, how?</p> <p>14 I know that you said Hofeller did it.</p> <p>15 REP. LEWIS: Well, thank you for that question,</p> <p>16 Representative. I don't know exactly how to answer</p> <p>17 what nature of help you mean. Certainly the ISD staff</p> <p>18 was very active with providing the computer and the</p> <p>19 printers and whatnot that this committee authorized.</p> <p>20 The General Assembly police authorized Dr. Hofeller to</p> <p>21 have access to the one area that he was assigned to</p> <p>22 work. I think we might have given him some coffee.</p> <p>23 REP. JONES: Is there a follow-up?</p> <p>24 REP. FARMER-BUTTERFIELD: Follow-up. Anything</p> <p>25 important?</p>	<p style="text-align: right;">40</p> <p>1 opinion or did not mean what it said in its opinion.</p> <p>2 My third point is a -- I guess I'll say an accusation,</p> <p>3 but it is not an accusation of criminality or</p> <p>4 immorality or anything like that. But if the minority</p> <p>5 really did not think about working on any map or do any</p> <p>6 work on any map from February 5, I believe it would be,</p> <p>7 until Tuesday -- I would interject that when I was in</p> <p>8 the minority, I had no trouble at all getting</p> <p>9 nonpartisan staff to prepare maps for me -- then I</p> <p>10 would accuse the minority of political negligence, if</p> <p>11 you can't find a staff person in research division to</p> <p>12 help you with a map.</p> <p>13 REP. JONES: Representative Michaux.</p> <p>14 REP. MICHAUX: Mr. Chairman, just I have a</p> <p>15 couple of comments on that. Number 1 is, Mr. Stam, you</p> <p>16 don't know what we have done. That is number 1. So</p> <p>17 what you're saying to me is just completely and totally</p> <p>18 out of order. Number 2, number 2 is that if we did</p> <p>19 have anything, why would we give it to you when you</p> <p>20 created the mess to start with and not give it to the</p> <p>21 courts? So, I mean, that's --</p> <p>22 REP. STAM: Mr. Chairman.</p> <p>23 REP. MICHAUX: So to accuse us of anything at</p> <p>24 all when you don't know what we have done or anything</p> <p>25 like that is simply just out of character and totally</p>
<p style="text-align: right;">39</p> <p>1 REP. LEWIS: Thank you for that question. I</p> <p>2 would say that all of that is important.</p> <p>3 REP. FARMER-BUTTERFIELD: Follow-up.</p> <p>4 REP. LEWIS: Yes, ma'am.</p> <p>5 REP. JONES: Follow-up.</p> <p>6 REP. FARMER-BUTTERFIELD: To avoid convolution,</p> <p>7 was the map that was drawn of the new congressional</p> <p>8 districts drawn prior to approval of the criterion and</p> <p>9 prior to the public hearings held on Monday?</p> <p>10 REP. LEWIS: I think it would not be possible</p> <p>11 for me to know what Dr. Hofeller had drawn. I think</p> <p>12 there were a lot of conceptual ideas. The map that you</p> <p>13 have before you is drawn based on the criteria adopted</p> <p>14 by the committee.</p> <p>15 REP. JONES: Ladies and gentlemen, further</p> <p>16 discussion, further debate?</p> <p>17 Okay. Representative Stam.</p> <p>18 REP. STAM: Yes, three quick points, not a</p> <p>19 question. First of all, while I think the enacted map</p> <p>20 follows what the law was when we drew it to start with,</p> <p>21 this map actually is a lot prettier, a lot more</p> <p>22 compact. It's prettier. Second point, the minority</p> <p>23 complains about our interpretation of the Harris</p> <p>24 decision. We will find out, I guess, whether the</p> <p>25 Harris three-judge court meant what it said in its</p>	<p style="text-align: right;">41</p> <p>1 wrong.</p> <p>2 REP. STAM: Mr. Chairman, would</p> <p>3 Representative --</p> <p>4 REP. JONES: Representative Stam, I will allow</p> <p>5 you to respond.</p> <p>6 REP. STAM: Will Representative Michaux yield</p> <p>7 for a question?</p> <p>8 REP. MICHAUX: Yes.</p> <p>9 REP. JONES: Does the gentleman yield?</p> <p>10 REP. MICHAUX: Gladly.</p> <p>11 REP. JONES: He yields.</p> <p>12 REP. STAM: Representative Michaux, I asked</p> <p>13 Representative Jackson this question. He didn't know</p> <p>14 the answer. Did you consult, before Tuesday, with a</p> <p>15 map drawer, either privately or here at the General</p> <p>16 Assembly before Tuesday to try to get a map drawn?</p> <p>17 REP. MICHAUX: Very gently as I can say it,</p> <p>18 Representative Stam, that is none of your business.</p> <p>19 REP. STAM: So, do I -- a follow-up question.</p> <p>20 REP. JONES: Representative Stam, you're</p> <p>21 recognized.</p> <p>22 REP. STAM: So do I take it that the answer is</p> <p>23 yes, you did?</p> <p>24 REP. MICHAUX: You can't take the answer -- you</p> <p>25 can't take it whatever the answer is. You know better</p>

<p style="text-align: right;">42</p> <p>1 than that.</p> <p>2 Representative, may I follow up? I'm sorry,</p> <p>3 Mr. Chairman, I got a little bit thrown off there. But</p> <p>4 may I follow-up?</p> <p>5 REP. JONES: Representative Michaux, you're</p> <p>6 recognized.</p> <p>7 REP. MICHAUX: Thank you. That is what you get</p> <p>8 when you've got two folks who have law degrees.</p> <p>9 REP. JONES: Amen.</p> <p>10 REP. MICHAUX: But anyway, Representative</p> <p>11 Lewis, is it your contention that political</p> <p>12 gerrymandering cures racial gerrymandering?</p> <p>13 REP. LEWIS: Well, thank you for that question,</p> <p>14 Representative, and for the opportunity to try and</p> <p>15 explain that. You know, it has always amazed me -- and</p> <p>16 I know we have a group of students here today and the</p> <p>17 name of the school implies that they understand art --</p> <p>18 it's just always amazed me that if from an individual's</p> <p>19 political point of view, they like the outcome a map</p> <p>20 produces, they think the map is a good map. It looks</p> <p>21 good. If they don't, they think it is a gerrymandering</p> <p>22 mess. So I would say to you that the criteria that was</p> <p>23 used to draw this map were the following: Equal</p> <p>24 population, contiguity, political data, partisan</p> <p>25 advantage, doing away with the serpentine nature of the</p>	<p style="text-align: right;">44</p> <p>1 Representative Michaux. I have often found if you</p> <p>2 can't get the answer you want, continue to ask the</p> <p>3 question. Let me reiterate the factors used in drawing</p> <p>4 this map, if I could. They are: Equal population,</p> <p>5 contiguity, political data, partisan advantage, doing</p> <p>6 away with the serpentine nature of the 12th District,</p> <p>7 compactness, and incumbency. Thank you for the</p> <p>8 opportunity to clarify that.</p> <p>9 REP. JONES: Thank you. Representative</p> <p>10 Farmer-Butterfield, you are recognized.</p> <p>11 REP. FARMER-BUTTERFIELD: I think that</p> <p>12 Representative Michaux pretty much covered what I was</p> <p>13 going to say.</p> <p>14 REP. JONES: Thank you very much.</p> <p>15 Further discussion, further debate?</p> <p>16 Representative Jackson.</p> <p>17 REP. JACKSON: Thank you, Mr. Chairman. I had</p> <p>18 a follow-up. What is the gentleman's name that drew</p> <p>19 the map, again?</p> <p>20 REP. LEWIS: Dr. Tom Hofeller.</p> <p>21 REP. JACKSON: Is Dr. Hofeller --</p> <p>22 REP. JONES: Follow-up.</p> <p>23 REP. JACKSON: Follow-up. Is Dr. Hofeller</p> <p>24 still in North Carolina? And if so, would he be made</p> <p>25 available to this committee to answer some of the</p>
<p style="text-align: right;">43</p> <p>1 12th district, compactness and incumbency.</p> <p>2 REP. MICHAUX: Follow-up.</p> <p>3 REP. JONES: Follow-up.</p> <p>4 REP. MICHAUX: But no racial data or anything</p> <p>5 was used to do that?</p> <p>6 REP. LEWIS: Respectfully, sir, I have already</p> <p>7 answered that, and race was not used in the drawing of</p> <p>8 this. In fact, I think my exact words were race was</p> <p>9 not considered and is not present on the reports.</p> <p>10 REP. MICHAUX: Well, the reason I --</p> <p>11 REP. JONES: Follow-up.</p> <p>12 REP. MICHAUX: I'm sorry, Mr. Chairman. May I?</p> <p>13 The reason I know that is because you keep repeating</p> <p>14 the same things over and over again. That is why I am</p> <p>15 repeating my question over and over again. Let me make</p> <p>16 one final --</p> <p>17 REP. JONES: One final follow-up,</p> <p>18 Representative Michaux.</p> <p>19 REP. MICHAUX: In the matter of retrogression,</p> <p>20 was retrogression considered -- and listen, the reason</p> <p>21 I asked that is because we now have two Congresspersons</p> <p>22 of color, and the way you have drawn this map basically</p> <p>23 knocks out one of those persons of color. Is</p> <p>24 retrogression included in there?</p> <p>25 REP. LEWIS: Thank you for that question,</p>	<p style="text-align: right;">45</p> <p>1 questions that you cannot answer for us today?</p> <p>2 REP. LEWIS: Representative Jackson, I don't</p> <p>3 know where Dr. Hofeller is at the moment, and I would</p> <p>4 not contemplate, as he was a consultant for Chairman</p> <p>5 Rucho and myself, that he would be made available to</p> <p>6 the committee. I also will not seek to get the</p> <p>7 consultants that may or may not have produced such a</p> <p>8 fiery response from Representative Michaux to appear</p> <p>9 before the committee to share the information that they</p> <p>10 may or may not have produced in the two weeks since</p> <p>11 they knew they were going to have to produced them.</p> <p>12 REP. JONES: Okay. Just for the record, let</p> <p>13 the Chair state that there is going to be a vote here</p> <p>14 shortly, and we are not going to wait for Dr. Hofeller</p> <p>15 to come from wherever he may be.</p> <p>16 Representative Davis, you are recognized.</p> <p>17 REP. DAVIS: Thank you, Mr. Chairman. A</p> <p>18 comment if I may. I have been listening to the debate,</p> <p>19 and I am really disappointed in the attitude of the</p> <p>20 minority party Representative Michaux. It is like you</p> <p>21 have set up a double standard. I mean, the minority</p> <p>22 party wants transparency from the majority party. You</p> <p>23 want truthful answers to the questions you have asked</p> <p>24 today, which Representative Lewis and the others have</p> <p>25 done. But yet when the majority party asks you</p>

<p style="text-align: right;">46</p> <p>1 questions, it is none of our business. And I don't</p> <p>2 think you can have it both ways, sir. I think it would</p> <p>3 really be very beneficial to all involved if the</p> <p>4 minority party would be as honest and transparency as</p> <p>5 the majority party has been in these proceedings. And</p> <p>6 I really think it's very unfortunate, and I don't think</p> <p>7 it is very fruitful for this discussion.</p> <p>8 REP. JONES: Representative Michaux, you are</p> <p>9 recognized just to respond to Representative Davis.</p> <p>10 REP. MICHAUX: Yes, sir. I'm sorry you take</p> <p>11 offense at that, Representative Davis, but the fact of</p> <p>12 the matter is we did not create this mess. And we</p> <p>13 should not be saddled with the responsibility coming to</p> <p>14 you to try to -- you never asked us for our help to</p> <p>15 start with. So why should we come in now and try to</p> <p>16 help you get out of the hole that you dug? That's all</p> <p>17 that I'm saying. Now, whatever you call it, however</p> <p>18 you want to look at it, I can't help that, but that's</p> <p>19 where I'm coming from. And the fact of the matter is</p> <p>20 that the courts are now involved, and anything that we</p> <p>21 have to say, we will say it to the courts because you</p> <p>22 will not respect, basically, anything that we say on</p> <p>23 anything that we have done since you have had control.</p> <p>24 You don't ask us for anything -- let me give you -- let</p> <p>25 me give you a prime example if I can.</p>	<p style="text-align: right;">48</p> <p>1 REP. JONES: The chair will waive his</p> <p>2 statement. Representative Lewis, we'll give you the</p> <p>3 last word, and you're recognized for a motion.</p> <p>4 REP. LEWIS: Mr. Chairman and members, I do</p> <p>5 just want to again thank you for your participation in</p> <p>6 this. I do just want to state for those who maybe were</p> <p>7 not here during the Joint Select Committee that it was</p> <p>8 the intention of the Chairs and the members and</p> <p>9 certainly the Speaker's office and the President Pro</p> <p>10 Tem's office to empower and provide the resources</p> <p>11 necessary for all members to fully be able to</p> <p>12 participate. It is dishonest to say that partisan</p> <p>13 politics don't play a big part in everything that we do</p> <p>14 up here, but it is also dishonest to say that a</p> <p>15 legitimate effort wasn't made to make sure that all</p> <p>16 members that wanted to fully participate and engage in</p> <p>17 this process and to try to offer solutions as opposed</p> <p>18 to simply organizing and rallying around talking points</p> <p>19 to attack the solutions that are proposed. I am</p> <p>20 certain that a good effort was made to empower that and</p> <p>21 to allow that level of participation.</p> <p>22 I do hope that as we move forward, I hope that</p> <p>23 the Court will recognize that we have, to the best of</p> <p>24 our understanding, complied with the decision that they</p> <p>25 have asked us to do. We have done that by an open</p>
<p style="text-align: right;">47</p> <p>1 REP. JONES: Briefly, please.</p> <p>2 REP. MICHAUX: Yes. When we were in charge,</p> <p>3 every time we had a Board of Elections, Board of</p> <p>4 Governors Election, we came to you and asked you who do</p> <p>5 you want on -- who of your party do you want on that</p> <p>6 board? And we always granted you that. We have never</p> <p>7 been granted the same type of recognition that we gave</p> <p>8 you all. So, yes, however, you want to characterize</p> <p>9 it, I stand by it.</p> <p>10 REP. JONES: Thank you, Representative Michaux.</p> <p>11 The Chair will recognize Representative Hager. The</p> <p>12 Chair will make a statement, and then the Chair will</p> <p>13 recognize Representative Lewis for a motion.</p> <p>14 REP. HAGER: Thank you, Mr. Chairman. See if</p> <p>15 Representative Michaux would yield for a question.</p> <p>16 REP. JONES: Does the gentleman yield?</p> <p>17 REP. MICHAUX: Yes.</p> <p>18 REP. JONES: Representative Hager.</p> <p>19 REP. HAGER: Representative Michaux, do you</p> <p>20 know if the minority party is planning to submit any</p> <p>21 invoices for reimbursement for anything associated with</p> <p>22 map drawing?</p> <p>23 REP. MICHAUX: I don't have any idea of that.</p> <p>24 I have not talked to my leader yet.</p> <p>25 REP. HAGER: Thank you.</p>	<p style="text-align: right;">49</p> <p>1 committee in which full -- which amendments were</p> <p>2 allowed, which votes were recorded, drafted criteria</p> <p>3 that we felt complied with that decision. And that is</p> <p>4 what brings us to have Senate Bill 2 before us.</p> <p>5 I do appreciate the remarks that were made,</p> <p>6 that the shapes of the map are prettier. I think, in</p> <p>7 fact, they are. I would state, again, for the record,</p> <p>8 that we are still hopeful that a stay will be issued by</p> <p>9 the U.S. Supreme Court because we are very concerned</p> <p>10 about the confusion that's caused by stopping an</p> <p>11 election that is underway. We heard yesterday that</p> <p>12 over 23,000 ballots have already been mailed out that</p> <p>13 do contain the race for the U.S. House of</p> <p>14 Representatives.</p> <p>15 And, finally, I just want to say, for the</p> <p>16 record, and I will say again on the floor, while we are</p> <p>17 still in an uncertain time, it is very important for</p> <p>18 anybody that receives a ballot to fully exercise their</p> <p>19 right and to go ahead and vote for the U.S. House of</p> <p>20 Representatives on the ballot that is there. If, in</p> <p>21 fact, those races don't count, no harm, no foul. But</p> <p>22 if you do not vote, then you are missing your</p> <p>23 opportunity to register the candidate of your choice</p> <p>24 should the stay be granted.</p> <p>25 Mr. Chairman, may I be recognized for a motion?</p>

<p style="text-align: right;">50</p> <p>1 REP. JONES: Representative Lewis, you are so 2 recognized. 3 REP. LEWIS: Mr. Chairman, I move that the 4 House Committee on Redistricting give a favorable 5 report to Senate Bill 2. 6 REP. JONES: Representative Lewis has properly 7 moved that we give a favorable report to Senate Bill 2. 8 Those in favor will vote "aye," those opposed will vote 9 "no." The clerk will call the roll. 10 CLERK: Representative Lewis. 11 REP. LEWIS: Aye. 12 CLERK: Representative Jones. 13 REP. JONES: Aye. 14 CLERK: Representative Brawley. 15 REP. BRAWLEY: Aye. 16 CLERK: Representative Cotham. 17 REP. COTHAM: No. 18 CLERK: Representative Davis. 19 REP. DAVIS: Yes. 20 CLERK: Representative Farmer-Butterfield. 21 REP. FARMER-BUTTERFIELD: No. 22 CLERK: Representative Hager. 23 REP. HAGER: Aye. 24 CLERK: Representative Hanes. 25 REP. HANES: No.</p>	<p style="text-align: right;">52</p> <p>STATE OF NORTH CAROLINA COUNTY OF WAKE CERTIFICATE I, Rachel L. Hammond, a Notary Public in and for the State of North Carolina duly commissioned and authorized to administer oaths and to take and certify hearings, do hereby certify that on February 19, 2016, this hearing was held before me at the time and place aforesaid, that all parties were present as represented, and that the record as set forth in the preceding 52 pages represents a true and accurate transcript of the proceedings to the best of my ability and understanding. IN WITNESS WHEREOF, I have hereto set my hand, this the 25th day of February, 2016.</p> <hr/> <p style="text-align: right;">Notary Public Rachel L. Hammond Notary Number 201126500152</p>
<p style="text-align: right;">51</p> <p>1 CLERK: Representative Hardister. 2 REP. HARDISTER: Aye. 3 CLERK: Representative Hurley. 4 REP. HURLEY: Aye. 5 CLERK: Representative Jackson. 6 REP. JACKSON: No. 7 CLERK: Representative Johnson. 8 REP. JOHNSON: Aye. 9 CLERK: Representative Jordan. 10 REP. JORDAN: Aye. 11 CLERK: Representative McGrady. 12 REP. MCGRADY: Aye. 13 CLERK: Representative Michaux. 14 REP. MICHAUX: No. 15 CLERK: Representative Moore. 16 REP. MOORE: Nay. 17 CLERK: Representative Stam. 18 REP. STAM: Aye. 19 CLERK: Representative Stevens. 20 REP. STEVENS: Aye. 21 REP. JONES: With 12 votes in the affirmative 22 and 6 in the negative, the motion carries. Senate Bill 23 2 is given a favorable report. And this committee is 24 adjourned. Thank you, ladies and gentlemen. 25 (THE PROCEEDINGS IN THIS MATTER ADJOURNED AT 10:26 A.M.)</p>	